



IFW

Attorney Docket No. 011988-03291
Client Reference: SPS-193REG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:
JALBERT ET AL.

Confirmation Number: 6089

Application No.: 10/629,912

Group Art Unit: 3721

Filed: July 30, 2003

Examiner: Paul R. Durand

Title: INTEGRATED CHECK PAWL, LAST NAIL-RETAINING, AND DRY FIRE LOCK-OUT MECHANISM FOR FASTENER-DRIVING TOOL

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated June 24, 2004, Applicants provisionally elect Group I with traverse.

It is respectfully submitted that the search and examination of the entire application can be made without serious burden and that the criteria for a proper restriction requirement as set forth in MPEP §803 have not been satisfied. MPEP §803 states that "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." (Emphasis added.)

Group I includes independent Claims 1, 27, and 42. Claim 1 recites a fastener-driving tool that includes, *inter alia*, an integrated function member ("IFM") having a check pawl portion ("CPP") and a last-fastener-retaining portion ("LFRP"); Claim 27 recites a fastener-driving tool that includes, *inter alia*, an IFM having an LFRP and a dry fire lock-out portion ("DFLOP"); and Claim 42 recites a fastener-driving tool that includes, *inter alia*, an IFM having a CPP, an LFRP, and a DFLOP. Group II includes independent Claim 12 that recites a fastener driving tool that includes, *inter alia*, an IFM having a CPP, and a DFLOP.

In order to properly search and examine Group I, the examiner will need to search for a fastener-driving tool that includes, *inter alia*, an IFM having a CPP and an LFRP, a fastener-driving tool that includes, *inter alia*, an IFM having an LFRP and a DFLOP, and a

fastener-driving tool that includes, *inter alia*, an IFM having a CPP, an LFRP, and a DFLOP. Therefore, Applicants respectfully submit that the search and examination of the claims of Group II that include, *inter alia*, an IFM having a CPP and a DFLOP can be made without serious burden.

Accordingly, reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

Respectfully submitted,

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